IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 22484 of 2004(B)

PETITIONER:

K.PURUSHOTHAMAN, (RETIRED ASSISTANT-LIC)
MUNDIATH HOUSE, NEAR S.S.TEMPLE,
P.O. PAYYANNUR-670 307, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. **THE LIFE INSURANCE CORPORATION OF INDIA,**
REPRESENTED BY ITS CHAIRMAN, CENTRAL OFFICE,
YOGAKSHEMA, JEEVAN BIMA MARG, MUMBAI-400 021.

2. **THE CHAIRMAN,**
L.I.C. OF INDIA, CENTRAL OFFICE, YOGAKSHEMA,
JEEVAN BIMA MARG, MUMBAI-400 021.

3. **THE ZONAL MANAGER,**
L.I.C. OF INDIA, SOUTHERN ZONAL OFFICE,
L.I.C BUILDING, ANNA ROAD, CHENNAI.

4. **THE SENIOR DIVISIONAL MANAGER,**
L.I.C OF INDIA, DIVISIONAL OFFICE, BEEVAN PRAKASH,
P.B.NO.177, KOZHIKODE.

BY ADV.SRI.S.EASWARAN, SC FOR R1-R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22484/2004 B

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE INSTRUCTIONS DT. 21/07/2000.

EXT.P2. COPY OF THE REPRESENTATION DT. 15/1/2001.

EXT.P3. COPY OF THE LETTER ISSUED BY THE R4 DT. 25/1/2001.

EXT.P4. COPY OF THE REPRESENTATION DT. 6/4/2001.

E.XT.P5. COPY OF THE REPRESENTATION DT. 17/10/2001.

EXT.P6. COPY OF THE COMMUNICATION ISSUED BY THE R4.

EXT.P7. COPY OF THE REPRESENTATION DT. 4/11/2002.

EXT.P8. COPY OF THE REPRESENTATION TO THE R2 DT. 23/7/2003.

EXT.P9. COPY OF THE COMMUNICATION ISSUED BY THE R3 DT. 16/09/2003.

EXT.P10. COPY OF THE REPRESENTATION DT. 14/11/2003.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE AUTHORIZATION LETTER DT. 14/09/2000 BY THE PETITIONER.

EXT.R4B. COPY OF THE ORDER DT. 13/10/00 BY THE MANAGER (OS) LIC, KOZHIKODE DIVISION .

EXT.R4C. COPY OF THE CIRCULAR NO. ZD/831/ASP/95 DT. 5/7/95 BY THE LIC CENTRAL OFFICE.

EXT.R4D. COPY OF THE INSTRUCTION DT. 21/07/2000 BY THE LIC OF INDIA CENTRAL OFFICE, MUMBAI.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.22484 of 2004-B

Dated this the Ist day of June, 2007

J U D G M E N T

The petitioner who is a retired employee of the Life Insurance Corporation has approached this Court, seeking the following reliefs:-

> "i). Issue a writ of mandamus directing the respondents to recalculate the pension of the petitioner deeming him to have received pay in the revised scale for 10 months or in the alternative to allow him the pre-revised scale which was originally granted to the petitioner at the time of his retirement.
>
> ii). Issue a writ of mandamus directing the 2nd respondent to consider and pass order on Ext.P10, allowing the same within a time from (sic-frame) to be stipulated by this Hon'ble Court.
>
> Iiii). Issue such other writ or order which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

2. A counter affidavit has been filed on behalf of the Life Insurance Corporation in which it is submitted that on the option of the petitioner, he was allowed to enjoy the revised pensionary benefits. The total benefits payable under the revised scheme is more beneficial

to the petitioner than drawing the existing pre-revised pension. Though the present monthly pension is slightly reduced, since the revision was made on the option of the petitioner, the challenge against the same is unjustified, it is submitted.

3. The petitioner has not filed any reply affidavit. Since the payments made to the petitioner at present is based on an option exercised by him and he has already enjoyed the benefit of revision, his claim to pay the pension atleast at the pre-revised rate cannot be accepted.

Accordingly, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS